

Committee: Human Rights 1



Topic: Prison Conditions in Developing Countries

Key Definitions:

Overcrowding

Filling over past a desired or ideal capacity.

Developing country

The term "developing" describes a currently observed situation and not a changing dynamic or expected direction of progress. Whilst there is no universal definition, the general consensus argues that it is a country with a less developed industrial base and a low Human Development Index (HDI) relative to other countries.

Key governing bodies and legislations:

Standard Minimum Rules for the Treatment of Prisoners

Also known as the 'Mandela Rules', it comprises 122 principles of institutional equality and philosophy of confinement.

United Nations Office on Drugs and Crime (UNODC)

UNODC was established to assist the UN in better addressing a coordinated, comprehensive response to the interrelated issues of illicit trafficking in and abuse of drugs, crime prevention and criminal justice, international terrorism, and political corruption. These goals are pursued through three primary functions: research, guidance and support to governments in the adoption and implementation of various crime-, drug-, terrorism-, and corruption-related conventions, treaties and protocols, as well as technical/financial assistance to said governments to face their respective situations and challenges in these fields.

Commission on Crime Prevention and Criminal Justice (CCPCJ)

The CCPCJ acts as the principal policymaking body of the United Nations in the field of crime prevention and criminal justice. It offers Member States a forum for exchanging expertise, experience and information in order to develop national and international strategies, and to identify priorities for combating crime.

European Court of Human Rights (ECHR)

ECHR is charged with supervising the enforcement of the Convention for the Protection of Human Rights and Fundamental Freedoms. The convention obligates signatories to guarantee various civil and political freedoms, including the freedom of expression and religion and the right to a fair trial. It is headquartered in Strasbourg, France.

World Health Organisation (WHO)

The WHO is a specialised agency of the United Nations that is concerned with international public health.

Penal Reform International (PRI)

PRI is an independent nongovernmental organisation (NGO) that develops and promotes fair, effective and proportionate responses to criminal justice problems worldwide and believes in criminal justice systems that are fit for purpose: offenders are held to account, sentences are proportionate, and the primary purpose of prison is rehabilitation not retribution.

Introduction:

Despite regional differences, prison overcrowding has developed into an acute global challenge, and poses a major obstacle for the implementation of the Standard Minimum Rules for the Treatment of Prisoners (SMRTP). For prisoners in custody, basic Human Rights concerning their 'inherent dignity' as human beings should not be impoverished. However, in light of an increasing global prison population, the Commission on Crime Prevention and Criminal Justice (CCPCJ) reported that, 125 out of 205 countries were filled past capacity. Previously recorded at 78 in 2016, countries with occupancy rates over 120 percent had increased to 83 in recent years. Of those, the 51 over 150 percent and 23 over 200% are developing nations. In the Philippines, the level topped at 463.6%.

As of 2013, The European Court of Human Rights (ECHR) ruled that the conditions of unsatisfactory detainment facilities created by overcrowding qualified as 'torture and/or inhuman treatment'. In 2017, The U.N. High Commissioner for Human Rights listed violence and abuse as by-products of overcrowding. The conditions of those detainment facilities have seen prisoners to experience high rates of mental illness, premature death and infectious diseases. According to the World Health Organisation (WHO), tuberculosis notification rate in prisons ranges from 11 to 81 times higher than in the community outside prisons due to overcrowding and poor nutrition.

Developing nations are prone to experience higher rates of overcrowding despite having much lower imprisonment rates than high-income nations. Penal Reform International, cited the reasons: poverty and along with political factors including but not limited to outdated legislation, corruption, and insufficiently trained staff as barriers which prevents development. Similarly, high percentages of pre-trial detainees within the prison population of a developing country indicate systemic flaws that slow the processing of cases. The World Prison Brief, for instance, estimated in early 2017 that 71 Haitian prisoners were still awaiting trial. In Liberia in 2012, The U.S. Department of State reported cases in which pre-trial detention lasted longer than the maximum possible sentence for the alleged crime. Moreover, it is also of great humanitarian concern that at least 410,000 children are held in detention in impoverished conditions according to UN's study on children deprived of liberty.

Past Solutions:

The UNODC, strives to uphold The U.N. Standard Minimum Rules for the Treatment of Prisoners and works to ensure legal safeguards that protect their rights, is currently at the forefront of international initiatives to foster progress on improving prison conditions in developing countries through means including but not limited to prison reform projects (which shall be addressed subsequently). With the help of the UNODC, countries have begun to more strategically and comprehensively address corruption within their criminal justice systems, with 17 of them adopting national anti-corruption policies in 2015 alone. In the same year, The U.N. General Assembly adopted the Sustainable Development Goals. With these goals in place, the development of prison systems in developing nations will remain a priority until at least 2030. The latest data from the CCPCJ shows progress in that the rates of pre-trial detainees had decreased in Africa and Asia between 2003 and 2014. In this period, Africa's rate was reduced from around 45 percent to 38 percent, and Asia's fell to 40 percent from just over 50 percent.

Possible solutions:

- Prison reforms such as the APAC (Association for the Protection and Assistance to Convicts) prisoner model in Brazil:
 - In facilities like these, prisoners are more humanely addressed as 'recuperandos' 'recovering people' , with the freedom to work, study and acquire skills which contributes positively to society. Despite that maintaining a prisoner in an APAC facility costs one third of maintaining one in a state prison, it may nevertheless only function as a subset to the overall prison population. This is due to the nature of prisoners themselves, since violent and prisoners in high security prison environment cannot be transferred into a facility where vulnerable populations are primarily held in. But on the whole, it will contribute to help reduce overcrowding in conventional detention facilities.

Useful links:

- https://www.prisonstudies.org/highest-to-lowest/occupancy-level?field_region_taxonomy_tid=All - Average occupancy within
- <http://www.euro.who.int/en/health-topics/health-determinants/prisons-and-health/data-and-statistics> - Prisoners and health
- <https://csisprosper.com/2018/12/14/developing-countries-should-invest-in-prisoners-not-prisons/> - The APAC model in Brazil
- <https://borgenproject.org/prison-systems-in-developing-nations/> -Issues of overcrowding and the impact of overcrowding in developing countries.
- <http://www.euro.who.int/en/health-topics/health-determinants/prisons-and-health/partners/penal-reform-international-pri> - Penal Reform International aims.